

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-37 (canceled)

38. (previously presented) A method of enhancing growth in plants compared to untransformed plants or plant seeds comprising:
providing a transgenic plant or plant seed transformed with a DNA molecule encoding a hypersensitive response elicitor polypeptide or protein and
growing the transgenic plants or transgenic plants produced from the transgenic plant seeds under conditions effective to enhance plant growth.

39. (currently amended) A method according to claim 38, wherein the hypersensitive response elicitor polypeptide or protein corresponds to that derived from a pathogen selected from the group consisting of *Erwinia*, *Pseudomonas*, and *Xanthomonas* ; ~~and *Phytophthora*~~.

40. (withdrawn) A method according to claim 39, wherein the hypersensitive response elicitor polypeptide or protein corresponds to that derived from *Erwinia chrysanthemi*.

41. (previously presented) A method according to claim 39, wherein the hypersensitive response elicitor polypeptide or protein is derived from *Erwinia amylovora*.

42. (withdrawn) A method according to claim 39, wherein the hypersensitive response elicitor polypeptide or protein corresponds to that derived from *Pseudomonas syringae*.

43. (withdrawn) A method according to claim 39, wherein the hypersensitive response elicitor polypeptide or protein corresponds to that derived from *Pseudomonas solanacearum*.

44. (withdrawn) A method according to claim 39, wherein the hypersensitive response elicitor polypeptide or protein corresponds to that derived from *Xanthomonas campestris*.

45. (canceled)

46. (original) A method according to claim 38, wherein the plant is selected from the group consisting of dicots and monocots.

47. (original) A method according to claim 46, wherein the plant is selected from the group consisting of rice, wheat, barley, rye, cotton, sunflower, peanut, corn, potato, sweet potato, bean, pea, chicory, lettuce, endive, cabbage, cauliflower, broccoli, turnip, radish, spinach, onion, garlic, eggplant, pepper, celery, carrot, squash, pumpkin, zucchini, cucumber, apple, pear, melon, strawberry, grape, raspberry, pineapple, soybean, tobacco, tomato, sorghum, and sugarcane.

48. (original) A method according to claim 46, wherein the plant is selected from the group consisting of rose, *Saintpaulia*, petunia, pelargonium, poinsettia, chrysanthemum, carnation, and zinnia.

49. (original) A method according to claim 38, wherein a transgenic plant is provided.

50. (original) A method according to claim 38, wherein a transgenic plant seed is provided.

51. (withdrawn) A method according to claim 38 further comprising:
applying the hypersensitive response elicitor polypeptide or protein to the propagated plants to enhance growth of the plant.